

A TRUE STORY.

Many years ago, I happened to be one of the referees in a case which excited unusual interest in our courts, from the singular nature of the claim; and the strange story which it disclosed. The plaintiff, who was captain of a merchant ship which traded principally with England and the West Indies, had married quite early in life, with every prospect of happiness. His wife was said to have been extremely beautiful, and no less lovely in character.

After living with her in the most uninterrupted harmony for five years, during which time two daughters were added to his family, he suddenly resolved to resume his occupation, which he had relinquished on his marriage, and when his youngest child was but three weeks old, sailed once more for the West Indies. His wife, who was devotedly attached to him, sorrowed deeply at his absence, and found her only comfort in the society of her children, and the hope of his return. But month after month passed away and he came not, nor did any letters, those insufficient but welcome substitutes, arrive to cheer her solitude. Months lengthened into years, yet no tidings were received of her absent husband; and after long hoping against hope, the unhappy wife was compelled to believe that he had found a watery grave beneath the weltering ocean.

Her sorrow was deep and heartfelt, but the evils of poverty were now added to her affliction, and the widow found herself obliged to resort to some employment, in order to support her helpless children. Her needle was her only resource, and for ten years she had labored early and late for the miserable pittance which is grudgingly bestowed on the humble seamstress. A merchant of New York, in moderate circumstances, accidentally became acquainted with her, and pleased with her genteel manners no less than her extreme beauty, endeavored to improve their acquaintance with friendship. After some months he offered her his hand and was accepted. As the wife of a successful merchant she soon found herself in the enjoyment of luxuries, such as she never before possessed. Her children became his children, and received from him every advantage that wealth and affection could procure. Fifteen years passed away; and the daughters were married, and by their step-father were furnished with every comfort requisite in their new avocation of house-keepers. But they had scarcely quitted his roof, when their mother was taken ill. She died after a few days sickness, and from that time to the period of which I speak, the widow had resided with the youngest daughter.

Now comes the strangest part of the story.

After an absence of thirty years, during which no tidings had been received from him, the first husband returned as suddenly as he departed. He had changed his ship, adopted another name, and had spent the whole of that long period of time on the ocean, with only transient visits on shore, while taking in or discharging cargo; having been careful never to come nearer home than New Orleans. Why he had acted in this unpardonable manner towards his family, no one could tell, and he obstinately refused all explanation. There were strange rumors of slave trading and piracy afloat, but they were only whispers or conjectures rather than truth. Whatever might have been his motive for such conduct, he was certainly any thing but indifferent to his family concerns when he returned. He raved like a madman when informed of his wife's second marriage and subsequent death—vowing vengeance upon his successor, terrifying his daughters by the most awful threats, in case they refused to acknowledge his claims. He had returned wealthy, and one of those mean reptiles of the law who are always to be found crawling about the halls of justice, advised him to bring a suit against the second husband, assuring him he could recover heavy damages. The absurdity of instituting a claim for a wife, whom death had already released from the jurisdiction of earthly laws was so manifest, that it was at length agreed by all parties to leave the matter to be judged by five referees.

It was on a bright and beautiful morning in spring, we first met to hear this singular case. The sunlight streamed through the duty windows of the court room and shed a halo around the long grey locks of the defendant; while the plaintiff's harsh features were thrown into still bolder relief by the same beam which softened the placid countenance of his adversary. The plaintiff's lawyer made a most eloquent appeal for his client, and had we not been better informed about the matter, our hearts would have melted by his touching description of the return of the desolate husband, and the agony with which he now beheld his household gods removed to consecrate a stranger's hearth. The celebrated Aaron Burr was counsel for the defendant, and we anticipated from him a splendid display of oratory.

Contrary to expectations, however, Burr made no attempt to confute his opponent's oratory. He merely opened a book of statutes, and pointing with

his thin fingers to one of the pages, desired the referees to read it, while he retired for a moment to bring in the principal witness. We had scarcely finished the section, which fully decided the matter in our minds, when Burr re-entered with a tall and elegant female leaning on his arm. She was attired in a simple white dress, with a wreath of ivy leaves encircling her large straw bonnet, and a lace veil completely concealed her countenance. Burr whispered a few words apparently encouraging her to advance, and then gracefully raising her veil disclosed to us a face of proud, surpassing beauty. I recollect as well as if it had happened yesterday, how simultaneously the murmur of admiration burst from the lips of all present. Turning to the plaintiff, Burr asked in a cold, quiet tone, do you know that lady?

Answer. 'I do.'

Burr. 'Will you swear that?'

Answer. 'I will; to the best of my knowledge and belief she is my daughter.'

Burr. 'Can you swear to her identity?'

Answer. 'I can.'

Burr. 'What is her age?'

Answer. 'She was 30 years of age on the 20th day of April.'

Burr. 'When did you last see her?'

Answer. 'At her own home, a fortnight since.'

Burr. 'When did you see her previously to that meeting?'

The plaintiff hesitated—a long pause ensued—the question was repeated and the answer at length was, 'on the 14th day of May, 17—.'

'When she was just three weeks old,' added Burr. 'Gentlemen,' continued he, turning to us, 'I have brought this lady here as an important witness, and such I believe she is. The plaintiff's counsel has pleaded eloquently in behalf of the bereaved husband, who escaped the perils of the sea, and returned only to find his home desolate. But who will picture to you the lonely wife, bending over her daily toil, devoting her best years to the drudgery of sordid poverty, supported only by the hope of her husband's return? Who will paint the slow progress of heart sickness, the wasting anguish of hope deferred, and finally, the overwhelming agony which came upon her when her last hope was extinguished, and she compelled to believe herself indeed a widow? Who can depict all this without awakening in your hearts the warmest sympathy for the deserted wife, and bitterest scorn for the mean, pitiful wretch who could thus trample on the heart of her whom he had sworn to love and cherish. We need not inquire into his motives for acting so base a part. Whether it was love of gain, or selfish indifference, it matters not; he is too vile a thing to be judged by such laws as govern man.—Let us ask the witness—she who now stands before us with the frank, fearless brow of a true hearted woman—let us ask which of the two has been to her a father.'

Turning to the lady, in a tone whose sweetness was in strange contrast with the scornful accent that had just characterized his words, he besought her to relate briefly the recollections of her early life. A slight flush passed over her proud and beautiful face as she replied:

'My first recollections are of a small ill furnished apartment, which my sister and myself shared with my mother.—She used to carry out every Saturday evening the work which had occupied her during the week and bring back employment for the following one.—Saving that wearisome visit to her employer and regular attendance at church, she never left the house. She often spoke of our father, and of his anticipated return, but at length she ceased to mention him, though I observed she used to weep more frequently than ever. I then thought she wept because we were so poor, for it sometimes happened that our supper was only a bit of dry bread, and was accustomed to see by the light of the chips she kindled, to warm her famishing children, because she could not afford to purchase a candle without depriving us of our morning meal. Such was our poverty when my mother contracted a second marriage, and the change to us was like entering into paradise. We found a home and a father.' She paused.

'Would you excite my own child against me?' cried the plaintiff as he impatiently waved his hand for her to be silent.

The eyes of the witness flashed fire as she spoke: 'You are not my father,' exclaimed she vehemently. 'The law may deem you such, but I disclaim you utterly. What! call you my father!—you who basely left your wife to toil and your children to beggary? Never! never! Behold there my father,' pointing to the agitated defendant, 'there is the man who watched over my infancy—who was the sharer of my childish sports, and the guardian of my inexperienced youth. There is he who claims my affection, and shares my home; there is my father. For yonder selfish wretch I know him not. The best years of his life have been spent in lawless freedom from social ties; let him seek elsewhere for the companion of his decrepitude,

nor dare insult the ashes of my mother by claiming the duties of kindred from her deserted children!'

She drew her veil hastily around her as she spoke, and giving her hand to Burr, moved as if to withdraw.

'Gentlemen,' said Burr, 'I have no more to say. The words of the law are expressed in the book before you; the words of truth you have just heard from woman's lips; it is for you to decide according to the requisitions of nature and the decrees of justice.'

I need scarcely add that our decision was such as to overwhelm the plaintiff with merited shame.

(From the Ladies' Book.)

"POPPING THE QUESTION."

It must be admitted by every one who is practically or otherwise acquainted with the topic, that "popping the question," as it is familiarly called, is one of the most thrilling circumstances in the life of "a man of real sensibility." Imagine a youngster of two and twenty, or thereabouts, with a tallow colored face, an agitated deportment, and a heart throbbing with various emotions, seated by the side of a simpering damsel, who is laboring strenuously to make it appear that she has no suspicion concerning the subject about to be introduced. It is twenty to one, however, that she might relieve his embarrassment and abbreviate the period of palpitation by frankly telling him that she knows precisely what he intends to say. But etiquette and the usages of the sex will not sanction, this piece of humanity.—She cannot even be supposed to understand his hint, if he attempts to approach the affair by circumlocution.—He wonders that such a divine creature can be so dull of comprehension.

Finding, at last, that he must either "speak or die," he nerves himself heroically for the task, his countenance becomes paler, if possible, one hand grasps his hat or cane convulsively; the other is usually laid on his heart, as if to still the tumultuous beatings of that troublesome little organ. Then from between his closed teeth and quivering lips, comes a scarcely articulate and almost inaudible sound, like the voice of a ter-rapin, when in alarm, it closes the portals of its crustaceous habitation. Only two or three words can be distinguished, but these are sufficiently explicit to justify the lady in comprehending what is meant.

The answer depends entirely on circumstances. If it be unequivocally in the negative the lover starts up, claps on his hat and without the customary formalities of parting, leaves the house and hastens, it may be, towards the river, resolved on extinguishing his flames by a most infallible expedient.—But, on his way, he usually finds some reasons to decline acting on this resolution, and sometimes compounds for the intended sacrifice to Cupid, by an extra libation to Bacchus.

If the lady should be more favorably disposed, she sometimes tortures the youth mischievously, remarking that she has never once thought upon the subject of matrimony: when the probability is that she has thought of nothing else from her twelfth year upwards.—This is a very naughty and unamiable piece of duplicity. Almost invariably, the nymph appears to be rather averse to the proposal, be it ever so advantageous; or else so surprisingly careless about it that it seems to be but the loss of a sixpence whether she shall be married or not.

Some young men are so chicken-hearted in affairs of this sort, that the least word which may be construed as denial is sufficient to close the negotiation at once; and the inconsiderate belle, is perhaps as much grieved at the result as the chap-fallen lover himself. No doubt the terrors attendant on "popping the question," are so numerous that the timidity of some men causes them to remain in unblest singleness for life. These poor fellows are objects of pity, and should not be included in those general anathemas which are promulgated against the fraternity of Old Bachelors.

Aristocratic Feelings.—There is a fretfulness about every man's position with us which is positively frightful. He is never easy; for there is always some little line of demarcation between him and his neighbor, which he toils to pass over. The Aristocracy descends thro' every link, from the golden to the copper, of the country. The Duke of Devon is not more exclusive than the Duke's poulterer. Society is a long series of uprising ridges, which, from the first to the last, offer no valley of repose. Wherever you take your stand, you are looked down upon by those above you, and reviled and pelted by those below you. Every creature you see is a farthing Sisyphus pushing his little stone up some Lilliputian mole-hill. This is our world.—English paper.

Revolutions of human life.—Indigence and obscurity are the parents of vigilance and economy—vigilance and economy of riches and honor—riches and honor of pride and luxury—pride and luxury of impurity and idleness—impurity and idleness of indigence and obscurity.

STATE OF MISSISSIPPI—ATTALA CO.

John O. Hunter & Wm. E. Pugh

vs.

William Ayres and William Whittington.

Attachment for \$1180.

Returnable to September Term, 1839.

NOTICE is hereby given that the above attachment was issued at the suit of the said plaintiffs, trading under the firm, name and style of Hunter & Pugh, against the estate of the said defendants, lately merchants, trading under the firm, name and style of Ayres & Whittington, for about the sum aforesaid, and has been returned no property to be found, whereon sundry garnishments issued and have been returned duly executed, which attachment and garnishments are now pending and undetermined in the circuit court of Attala county: It is therefore ordered by the court, that unless the said defendants shall appear, on or before the first Monday before the first day of the circuit court of the county aforesaid, give special bail and plead or demur, judgment will be entered up against them; and judgments will also be entered up against the garnishers for the amounts found to be due by them to the said defendants, or either of them.

Extract from the minutes of the court.

Witness—William Exum, Clerk of the said circuit court. WILLIAM EXUM, Clerk.

William E. Pugh, plaintiffs attorney.

August 31, 1839. 52:4w

[Printer's Fee 20 dollars.]

STATE OF MISSISSIPPI—LEAKE CO.

James Ford } Attachment

vs. } for

Ezekiah P. Waldrop. } \$239 75.

Returnable to the April Term of the Circuit

Court of said county of Leake, A. D. 1839.

NOTICE is hereby given that the above attachment was issued at the suit of the above plaintiff, by his agent, Ebenezer Ford, against the said defendant, for the sum aforesaid, and has been returned duly executed, and is now pending and undetermined in the circuit court of said county of Leake.

It is therefore ordered by the court, that unless the said defendant shall appear, on or before the second Monday in October next, being the first day of the circuit court of the said county, give special bail, and plead or demur, judgment will be rendered against him, and the property attached will be sold to satisfy the plaintiff's demands.

Extract from the minutes of said court.

Witness—Uriah R. Bobbett, clerk of said circuit court. U. R. BOBBETT, Clerk

James A. Groves, plaintiff's attorney.

May 10, 1839. 51:4w

[Printer's Fee 10 dollars.]

STATE OF MISSISSIPPI—ATTALA CO.

J. L. C. Flowers, } Attachment for \$86 54.

vs. } Thomas Marler.

Returnable to March Term, 1839.

NOTICE is hereby given that the above attachment was issued at the suit of the said plaintiff against the said defendant, for the sum aforesaid, and has been returned duly executed, and is now pending and undetermined in the Circuit Court of Attala county. It is therefore ordered by the Court, that unless the said defendant shall appear, on or before the first Monday before the first Monday in October 1839, being the first day of the circuit court of the county aforesaid, give special bail and plead or demur, judgment will be entered against him, and the property attached will be sold to satisfy the plaintiff's demands.

Extract from the minutes of the court.

Witness—William Exum, Clerk of the said Circuit Court. WILLIAM EXUM, Clerk.

J. Foster, Plaintiff's Attorney.

August 17, 1839. 50:4w [Printer's fee \$10]

Stray Horse.



TAKEN UP—by the undersigned, living 10 miles north of Kosciusko, a Sorrel Mare, with both hind feet and one of the fore feet white, bald face, and about five feet high, nine or ten years old; which the owner can get by coming forward, proving property, and paying for this advertisement.

N. L. TAYLOR.

August 10, 1839. 49:4w

HOUSE OF ENTERTAINMENT,



one mile from Kosciusko on the Rockport road;

BY WILLIAM THOMPSON:

WHO would most respectfully inform his friends and the public generally that he has fitted up his residence in good style, and that he is now prepared to accommodate all who may feel disposed to give him a call in a comfortable manner. This stand is situated one mile from Kosciusko, and is admirably located and suited to the convenience and accommodation of those persons having business in Kosciusko for a few days, as it is plenty near town to afford them no inconvenience as to distance. He is well prepared with good stables which shall be at all times well furnished and well attended. Possessed of all the advantages arising from raising every thing necessary to the support of a tavern stand, he is enabled to accommodate persons in better style and at more moderate prices, than those living in town, who have every thing to purchase at the present very high and almost unprecedented prices of provision. He is determined to accommodate the weary traveller, and all others, in the very best possible manner, or will charge them nothing. Under these circumstances and a firm determination to accommodate all in a kind and hospitable manner, he hopes to share liberally of the patronage of a kind and generous public. July 27, 1839. 47:4w

Law Notice.

DANL. JONES, having resumed the practice of Law, will attend the Circuit Court of Yazoo, and the adjacent Counties; the Chancery, Supreme and Federal Courts at Jackson. Office at his residence in Yazoo County, Ten miles south of Benton on the Clinton Road. Address, Benton Yazoo County. June 2, 1839.

WANTED IMMEDIATELY.

Fifty Pounds New Tallow, For which a liberal price will be given. Call at this office and you can find sale.

COL. ARGYLE CAMPBELL, of Columbus,

is a candidate for the office of Chancellor of the State of Mississippi, at the next November election.

ROBERT H. BUCKNER, Esq., of Columbus,

is a candidate for the office of Chancellor of the State of Mississippi, at the next November election.

ANDERSON HUTCHINSON, Esq., of Raymond,

is a candidate for the office of Chancellor of the State of Mississippi, at the next November election.

MAJOR A. H. GREENLEE is a candidate for the office of Sheriff of Attala county, at the ensuing election.

HENRY BROWN is a candidate for the office of Sheriff of Attala County, at the ensuing election.

WE are authorized to announce James R. Winn as a candidate for Sheriff of this county.

WE are authorized to announce Robert M. Wade as a candidate for the office of Sheriff for this county, at the ensuing election.

WE are authorized to announce Thos. H. Rogers as a candidate for re-election to the office of Sheriff of this county.

WE are authorized to announce WILLIAM EXUM as a candidate for re-election to the office of clerk of the circuit court.

WE are authorized to announce JOHN M. Thomson as a candidate for the office of clerk of the circuit court.

WE are authorized to announce Dr. H. J. Munson as a candidate for the office of clerk of the circuit court, at the next election.

RICHARD HENRY is a candidate for the office of clerk of the Probate court.

THOMAS BOWDON is a candidate for the office of Probate Clerk at the next election.

WE are authorized to announce JOHN M. Wells as a candidate for clerk of the Probate court.

WE are authorized to announce SOLOMON S. Pender as a candidate for the office of Probate clerk, at the ensuing November election.

WE are authorized to announce S. Evans as a candidate for the office of Probate clerk, at the ensuing election.

WE are authorized to announce GEORGE W. Harlow as a candidate for clerk of the Probate court.

JAMES T. BARR is a candidate for the office of Assessor and Tax Collector of Attala County, at the ensuing election.

WE are authorized to announce JAMES C. Choat as a candidate for the office of assessor and tax collector for this county.

AMENDMENT TO THE CONSTITUTION.

AN ACT proposing an amendment to the Constitution of the State of Mississippi.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, (two thirds of each branch concurring,) That the 16th section of the fourth article of the constitution of the state of Mississippi be so changed,

"Section 16th. A separate Superior Court of chancery shall be established, with full jurisdiction in all matters of equity: Provided, however, the Legislature may also give to the Circuit Courts of each county equity jurisdiction. A Chancellor shall be elected by the qualified electors of the whole State, and shall be at least thirty years old at the time of his election."

SEC. 2. Be it further enacted, That it shall be the duty of the Secretary of State, at least six months preceding the general election in November next, to give notice, by advertisement in three or more of the newspapers printed in this State, of this act and the amendment proposed thereby to the existing constitution of the State. And, at the said election, the qualified electors of the State, voting for members of the Legislature, shall also vote for or against said amendment, in manner following: on the tickets of those voting for said amendment shall be written or printed the word "amendment," and on the tickets of those voting against said amendment, shall be written or printed the word "no amendment."

SEC. 3. Be it further enacted, That the Sheriffs of the different counties shall make returns of the votes taken for or against said amendment, and also of the whole number of votes given for members of the Legislature, to the Secretary of State, in the same manner and under the same rules and regulations as are prescribed by law in relation to elections of members of Congress. And it shall be the duty of the Secretary of State to lay all the returns so made before the next succeeding legislature; and if it shall appear that a majority of the qualified electors voting for members of the legislature shall have voted for said amendments, then the alteration contained in the first section of this act shall be inserted, by said legislature, as a part of the constitution of this State.

SEC. 4. Be it further enacted, That the Auditor of Public Accounts shall issue a warrant on the Treasury in favor of any printer or publisher of a newspaper employed in pursuance of the second section of this act, on the certificate of the Secretary of State, that the account of such printer or publisher is correct.

SEC. 5. And be it further enacted, That this act shall take effect and be in force from and after its passage.

JOHN W. KING,

Speaker of the House of Representatives.

A. L. BINGAMAN,

President of the Senate.

Approved February 16, 1839.

May 11. A. G. McNUTT.

NOTICE.

ALL persons are hereby cautioned against trading for the following notes, given by the subscriber, to Gordon D. Boyd, viz. One for 402 dollars, given on the 17th day of September, 1838, payable twelve months after date; one for 402 dollars given on the 17th day of September, 1838, and payable two years after date; and one for 402 dollars, given on the 17th day of September, 1838, payable three years after date, amounting in all to 1206 dollars. As the consideration for which the above notes were given, has entirely failed, I am determined not to pay them unless compelled by law.

JAMES BAKER,

August 24, 1839. 51:4w